

Application Serial No. 10/612,664
Amendment dated February 24, 2005
Response to Office Action mailed November 24, 2004

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed November 24, 2004. Claims 1-71 remain pending. Claims 1, 14-16, 37, 42, and 58 have been amended. Support for the amendments can be found in the specification and drawings as originally filed. No new matter has been added. Reconsideration and reexamination are respectfully requested.

Preliminary Amendment

Applicants filed a preliminary amendment adding new claims 58-71 via facsimile on August 20, 2004. According to PAIR, the amendment was received and entered, however, it appears this amendment was not considered by the Examiner. Applicants respectfully request that the Examiner acknowledge receipt of the preliminary amendment and examine the claims with the next Office Action.

Specification Objections

The specification is objected to for informalities related to typographical errors and unclear serial numbers. Corrections have been made to the specification. No new matter has been added.

Claim Objections

Claims 14-16 and 37 are objected to for a typographical error. The claims have been amended to correct the error.

Rejection under 35 U.S.C. § 102(b)

Claims 1-8, 10, 11, 22 and 42-44 are rejected as being clearly anticipated by Watanabe (US 3,877,075). The Examiner asserts that Watanabe discloses the invention as claimed. Applicants respectfully traverse the rejection.

Independent claims 1 and 42, as amended, recite an apparatus and method for accepting a removable media member in which the first member and the second member are adapted to move towards and away from each other along an axis to provide a space

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for receiving the removable media member. Watanabe disclose an apparatus in which the cassette holder 5 moves toward the main chassis 14 through an arc, because the cassette holder 5 is pivotally mounted for swing movement. See column 2, lines 49-54 and FIG. 1. Watanabe thus does not teach the elements of independent claim 1 and claims 2-8, 10, and 11 dependent thereon.

Additionally, Watanabe does not provide motivation or guidance for modifying his cassette player to have an axially closing cassette holder. The instant invention has the advantage over a pivoting door such as that taught in Watanabe in that the axially closing first and second members provide an increased alignment accuracy, which is desirable for some applications.

Independent claim 22 recites:

An apparatus comprising:

a removable media member including one or more sensors and/or actuatable devices, the removable media member further including communication means wherein at least one of the one or more sensors and/or actuatable devices is in communication with the communication means of the removable media member; and

a base adapted to receive the removable media member, the base including communication means that is adapted to communicate with the communication means of the removable media member.

The cassette of Watanabe does not appear to have a sensor or actuatable device or communication means that is in communication with the sensor or actuatable device. Additionally, Watanabe does not appear to teach or suggest a communication means on the chassis that is adapted to communicate with a communication means on the removable media member. Watanabe thus does not teach or suggest each and every element of claim 22.

Watanabe fails to teach each and every limitation of the claims and thus cannot be deemed to anticipate the claims; nor would it appear to be obvious to include a sensor or actuatable device or communications means in the cassette and player/recorder disclosed by Watanabe. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

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Claims 9, 12-21, 23-41, and 45-57 are rejected as being unpatentable over Watanabe. The Examiner asserts that Watanabe discloses the claimed invention except for the recited removable media members. The Examiner takes Official Notice that these are all old and well-known removal media members and asserts that it would have been obvious to use any of the claimed removable media members in combination with the accepting apparatus of Watanabe for the purpose of holding the media member in a position such that the data on the media member can be extracted by an extracting device. The Examiner also asserts that Applicants' disclosure acknowledges that these are all old and well-known removable media members. Applicants respectfully disagree.

The instant specification states that there are various known types of removable media members, but that there is a limitation in many of the existing systems for receiving that removable media, including an often imprecise alignment tolerance and the lack of provisions for electrical or optical connections between the removable media and the receiving device. See the Background section on pages 1-2. The instant claims address some of these concerns and recite various methods and apparatus for receiving removable media, where the claimed apparatus has features and elements not found in the prior art receiving devices.

Applicants submit that the rejected claims do not only recite old and well-known removable media members and components necessary for their operation, as is asserted by the Examiner. Furthermore, in accordance with MPEP 2144.03C and 37 CFR § 1.104(c)(2), Applicants respectfully request the Examiner provide documentary evidence of the asserted old and well-known removable media members and components necessary for their operation in the next Office action if the rejection is maintained.

Independent claim 12 recites:

the first member having one or more spring biased probes extending outward toward the second member, the one or more spring biased probes being positioned to align with at least selected ones of the one or more electrical contacts of the removable media member when the removable media member is at a desired positioned between the first member and the second member

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(emphasis added). Watanabe discloses springs 35 on the back of the lid to bear rearwardly against the cassette in the holder and thereby urge the cassette against posts when the holder is in the closed position. See column 3, lines 55-60 and FIGS. 2-3. Watanabe does not teach or suggest "one or more spring biased probes" positioned to align with electrical contacts on the removable media member, as is recited in the claim. Watanabe thus does not teach each and every element of the apparatus in claim 12. Nor would it appear to be obvious to include one or more spring biased probes, as recited in claim 12.

Additionally, Watanabe does not appear to teach or suggest the elements of dependent claims 15 and 16 with respect to the bias force of the outward bias means being overcome when the first and second members are moved toward each other, and the bias force of the outward bias means pushing the removable media member away from the spring when the first and second members are moved away from each other. Also, Watanabe does not teach or suggest a wedge as the outward bias means, as is recited in claim 18, or a fluidic cartridge, as is recited in claims 19-21.

With respect to claims 23-25, Watanabe does not appear to teach or suggest a removable media member having one or more detectors and a base including one or more emitters, as is recited in the claims. Watanabe does not appear to teach or suggest a removable media member with an emitter and a base with detectors specifically an optical emitter and optical detector, or RF emitter and RF detector, as is recited in claims 26-28, respectively.

Independent claim 29 recites an apparatus for accepting a removable media member in which the first member has one or more fluid ports positioned to align with a fluid port on the removable media member. The Examiner asserts that cassette holder 5 of Watanabe is equated with the first member of the apparatus for accepting a removable media. Applicants submit that cassette holder 5 of Watanabe does not contain a fluid port. Additionally, there is no motivation or suggestion by Watanabe for modifying the cassette holder to include a fluid port. Watanabe thus fails to teach or suggest the elements of the apparatus of claim 29 and claims dependent thereon.

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Watanabe does not appear to teach or suggest the elements of independent claim 36, which recites an apparatus in which at least one of the first and/or second members has a spring biased probe positioned to align with an electrical contact on the removable media member, and that at least one of the first and/or second members has one or more fluid ports positioned to align with a fluid port on the removable media member. As stated above with respect to claim 12, the spring 35 of Watanabe merely urges the cassette toward shoulders and posts when the cassette holder is in the closed position. Clearly, Watanabe does not teach or suggest providing an electrical contact on the cassette that is aligned with a spring biased probe. Additionally, Watanabe does not teach or suggest fluid ports on either the cassette or chassis, and because the device of Watanabe is designed for recording and playing audio cassettes, there is no motivation for modifying the device to include fluid ports. Watanabe thus does not teach or suggest the elements of independent claim 36, or the claims dependent thereon.

Independent claim 39 recites an apparatus for accepting a removable media member wherein the apparatus includes a first member having a groove therein, the groove extending along a groove path that corresponds to the perimeter of the front side of the removable media member when the removable media member is at a desired position relative to the first and second members. The Examiner asserts that the cassette holder 5 of Watanabe is equated with the first member of the instant claims. Applicants have carefully reviewed Watanabe and have found no teaching or suggestion of a groove on the cassette holder as is recited in claim 39.

Method claim 46 recites the step of "moving the first member and the second member toward each other to receive the removable media member such that at least selected ones of the one or more spring biased probes make electrical contact with one or more of the electrical contacts of the removable media member." As stated above, Watanabe does not appear to teach or suggest a spring biased probe that is aligned such that it makes electrical contact with electrical contacts on a removable media member when the removable media member is inserted in the device, as is recited. Watanabe thus does not teach or suggest the method steps recited in independent claim 46 and the claims dependent thereon.

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Independent claim 54 recites an apparatus comprising a removable media member including one or more pneumatically responsive elements, and a base adapted to receive the removable media member, the base including one or more pneumatic sources, wherein when the removable media member is received by the base, at least one of the pneumatic sources of the base are in fluid communication with at least one of the pneumatically responsive elements of the removable media member. Watanabe does not teach or suggest a pneumatically responsive element on a removable member or a pneumatic source in a base adapted to receive the removable media member, as is recited in the claim. Additionally, there is no motivation for one of ordinary skill in the art to modify the audio cassette tape and player of Watanabe to include such pneumatically responsive elements and pneumatic source. Watanabe thus fails to teach or suggest the elements of the claim.

Independent claim 58, added in the preliminary amendment, is distinguished from Watanabe in reciting, for example, an apparatus including a bias means extending into a receiver slot for biasing the interface of the removable media member away from the interface when the removable media member is being inserted into the receiver slot.

Independent claim 68 and claims 69-71 dependent thereon, added in the preliminary amendment, are also distinguished from Watanabe. The claims recite a method for accepting a removable media member having one or more electrical contacts, including steps involving biasing a removable media member away from a first member such that one or more contacts of the body do not engage one or more electrical contacts of the removable media member, overcoming the bias such that at least selected contacts of the body engage and make electrical contact with one or more contacts of the removable media member, and moving the first and second members away from each other, thereby breaking the electrical contact between the contacts of the removable media member and body. Watanabe does not appear to teach or suggest such method steps.

The Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to use *any* of the claimed removable media members in combination with the accepting apparatus of Watanabe for the purpose of

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holding the media member in a position such that the data on the media member can be extracted by an extracting device. Applicants respectfully disagree. Not only must there be motivation for one to make a specific combination, there must be a reasonable expectation of success.

Applicants submit that, as set forth above, many of the claims recite specific elements on one or both of the removable media member and accepting apparatus that are not found in Watanabe. Thus, any combination of the claimed removable media members with the accepting apparatus of Watanabe would not allow the device of Watanabe to function. For example, claim 29 recites a removable media member having one or more fluid ports, and the accepting apparatus having one or more fluid ports on the first member positioned to align with the port on the removable media member. As the cassette player of Watanabe does not have a fluid port, Applicants submit that it would not be desirable for one to use a removable member with a fluid port as recited in claim 29 with the accepting apparatus of Watanabe.

For at least the reasons stated above, Watanabe fails to teach the basic elements of the claimed apparatus and methods. Additionally, there is no guidance, suggestion, or motivation for one of ordinary skill in the art to modify the device of Watanabe to achieve the instant invention.

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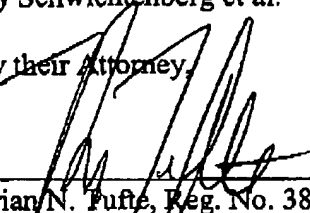
Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims 1-71 are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

Jay Schwichtenberg et al.

By their Attorney,

Dated: February 24, 2005



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